

REMARKS

Claims 1 - 11 and 15 - 24 are withdrawn. Claims 12 - 14 are amended. Claims 25 - 30 are added. Claims 12 - 14 and 25 - 30 remain in the case.

Claims 12 - 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,458,380 ('380) issued to Kanao. Claim 12 has now been amended to distinguish it from the Kanao disclosure as well as U. S. Patent No. 5,505,497 ('497) issued to Shea, et al. which was noted during an Examiner interview on May 8, 2003. Claim 12 now requires a pair of thin-wall metallic pipes having smooth interior and exterior surfaces and end portions having squared cuts and a rounded, cross-sectional configuration. Claim 12 further requires a double-sided adhesive, closed-cell acrylic foam tape applied only around the exterior surfaces of the pipe ends. The double-sided adhesive, closed-cell acrylic foam tape is disclosed in the specification in Paragraph [0032]. The application of the double-sided acrylic tape to only the exterior surface maintains the smooth interior of the pipes and joint which is necessary for pulling a bundle of beverage or food lines therethrough. The Kanao patent does not show or disclose pipes or pipe joints having smooth interior and exterior surfaces. Further, claim 12 requires the double-sided adhesive, closed-cell acrylic foam tape which is not disclosed in either Kanao, '380, or Shea, '497. It is an important aspect of the invention to have the combination of smooth interior and exterior surfaces of the pipe and the double-sided adhesive, closed-cell acrylic foam tape. The exterior surface of the pipe is necessary for receiving the double-sided adhesive, closed-cell acrylic foam tape. Further, the double-sided adhesive, closed-cell acrylic foam tape is only applied around the exterior surfaces of the pipe ends so that the interior surfaces of the pipes remain smooth and uninterrupted for receiving a bundle of plastic and/or copper beverage or food lines that deliver beer, soda and other liquid edible products.

New claim 25 includes the same limitations as in claim 12, but further requires that the tape has a normal tensile strength of at least 80 - 110 lbs./in² to aluminum at room temperature. Claims 26 - 29 require further properties that are

provided by the double-sided adhesive, closed-cell acrylic foam tape of the present invention. Claim 30 is an independent claim requiring a tape with certain properties for the fluid distribution system. These properties are not found or disclosed in the prior art. These properties have provided the unexpected and superior results along with the commercial success for the joint of the overhead pipe system. as stated in the enclosed 3-M Industrial Adhesive and Tapes Case Study.

A §1.132 Declaration of one of the inventors, Henry Colombo, accompanies this Amendment. The Declaration explains the requirement of having a smooth interior surface for the conduit, including at the joints. The Declaration further explains that the joints disclosed by patent '497 issued to Shea provides for a gasket member which fits over the ends of the duct sections and which are coated with a Novolac resin, and that the gasket flanges protrude inside the joined fiberglass duct section. In another embodiment of the Shea patent, '497, the gasket member can be replaced with a heavy layer of Novolac resin which extends into the interior of the conduit. Therefore, as disclosed, Shea does not provide a smooth interior surface which is required for snaking the bundles of beverage lines through the conduit. Further, the Declaration states that Novolac is a 100% solid epoxy product that is in liquid form and is messy to install. However, the Declaration states that in the claimed invention, the adhesive is on a closed-cell acrylic foam tape which simplifies installation and reduces the field labor and costs. Further, the Declaration states a number of properties provided by the double-sided adhesive, closed-cell acrylic foam tape which allow bundles to be pulled through the conduit without physical damage to the joint. Further, the Declaration states that the invention has provided unexpected and superior results found during the installation of the beverage conduit and, as a result, has enjoyed commercial success.

This Amendment should place this case in condition for passing to issue. Such action is respectfully requested.

Respectfully submitted,

YOUNG & BASILE, P.C.



Darlene P. Condra

Attorney for Applicant(s)

Registration No. 37113

(248) 649-3333

3001 West Big Beaver Rd., Suite 624

Troy, Michigan 48084-3107

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DPC/dge